

**BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF CALIFORNIA**



**FILED**

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**A2205018**

Application of Virtu Broadband, LLC for a certificate of public convenience and necessity to provide full facilities-based and resold competitive local exchange service and interexchange service on a statewide basis.

Application

**APPLICATION OF VIRTU BROADBAND, LLC  
(PUBLIC VERSION)**

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*Attorneys for Virtu Broadband, LLC*

May 19, 2022

**BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF CALIFORNIA**

Application of Virtu Broadband, LLC for a certificate of public convenience and necessity to provide full facilities-based and resold competitive local exchange service and interexchange service on a statewide basis.

Application

**APPLICATION OF VIRTU BROADBAND, LLC  
(PUBLIC VERSION)**

Virtu Broadband, LLC (“Applicant,” “Company” or Virtu”), by its attorney and pursuant to the Rules and Regulations of the California Public Utilities Commission (“Commission”), respectfully requests, pursuant to, *inter alia*, the Commission’s Rules of Practice and Procedure, General Order 96-B, and Commission decisions, that the Commission grant it a Certificate of Public Convenience and Necessity (“CPCN”) to provide full facilities-based and resold: (i) competitive local exchange service as a competitive local carrier (“CLC”) providing services in the territories currently served by AT&T California, Frontier California, Inc. (including the former Verizon California, Inc. territory), Citizens Telecommunications Company of California, Inc. d/b/a Frontier Communications of California, and Consolidated Communications of California Company (formerly SureWest Telephone Company); and (ii) full facilities-based and resold interexchange services as a non-dominant interexchange carrier (“NDIEC”) on a statewide basis.

In support thereof, Virtu provides the following information:

**1. Identification of the Applicant [Rule 2.1(a)]**

Applicant's exact legal name is Virtu Broadband, LLC. Virtu is a limited liability company formed under the laws of Delaware, and is authorized to conduct intrastate business in California.

Contact information for Virtu is as follows:

Virtu Broadband, LLC  
111 W. Ocean Blvd.  
Suite 400  
Long Beach, CA 90802  
Telephone: (408) 634-3169

**2. Correspondence of Communications [Rule 2.1(b)]**

Correspondence related to this Application should be directed to:

Thaila Sundaresan  
David Huang  
DAVIS WRIGHT TREMAINE LLP  
505 Montgomery St., Suite 800  
San Francisco, CA 94111  
Telephone: (415) 276-6500  
Facsimile: (415) 276-6599  
E-mail: thailasundaresan@dwt.com  
E-mail: davidhuang@dwt.com

With a copy to:

Chris Van Ekelenburg  
Virtu Broadband, LLC  
111 W. Ocean Blvd.  
Suite 400  
Long Beach, CA 90802  
Telephone: (805) 248-8413  
E-mail: chris@virtubroadband.com

**3. Description of Services to be Provided [Rule 3.1(e)]**

Virtu seeks authority to provide full facilities-based, and resold competitive local exchange and interexchange services in the aforementioned territories across the state. In addition to offering broadband access services to residential and business end-user customers, Virtu intends to provide

infrastructure facilities (such as conduit and dark/lit fiber) for use in connection with the transportation and transmission of communications. Virtu may provide services using its own facilities as well as leased facilities, leased capacity, or other arrangements that make use of other carriers' telecommunications facilities.

Virtu plans to own, control, operate, and manage a fiber network in California. If granted a CPCN by the Commission, Virtu will operate as a telephone corporation subject to the Commission's jurisdiction under California Public Utilities Code § 234(a), and will obey the California Public Utilities Code and all relevant Commission rules, decisions and orders applicable to telephone corporations. Virtu does not expect to operate as an interstate common carrier as defined in § 153 of the Federal Telecommunications Act of 1996 ("Act"); however, to the extent it engages in operations as a telecommunications service provider defined by federal law, Virtu will be eligible to interconnect with the public switched telephone network pursuant to § 251 and § 252 of the Act. Therefore, in keeping with prior similar CPCN decisions,<sup>1</sup> Virtu is eligible to receive a CPCN.

#### **4. Articles of Organization and Certificate of Qualification to Transaction Business in California [Rule 2.2]**

As described above, Virtu is a Delaware corporation, authorized to do business within the State of California. A copy of the Certificate of Formation is included as **Exhibit B**, and a copy of the qualification to do business in California is included as **Exhibit C**.

#### **5. Description of Proposed Construction [Rule 3.1(a)]**

Virtu does not own, maintain, or operate facilities in California at this time, and has not determined every area it may need to undergo construction. As noted above, Virtu intends to

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<sup>1</sup> See, e.g., *In re Sun Microwave, Inc.*, Decision ("D.") 17-12-019 at 7-8; *In re Bright Fiber Network, LLC*, D.15-05-028 at 6; *In re Intermountain Infrastructure Group, LLC*, D.19-02-013 at 4.

provide infrastructure (such as conduit and dark or lit fiber) for use in connection with the transportation and transmission of communications. Virtu may acquire or obtain access to existing facilities from other carriers and utilities or construct its own facilities, as necessary; Virtu understands this may involve ground-disturbing activities in utility easements and public rights-of-way. Such construction will ordinarily take place in existing roadways or other previously-developed and disturbed rights-of-way. Virtu seeks “full” facilities-based authority for these activities. Accordingly, Virtu proposes that the requested grant of full facilities-based construction authority be subject to compliance with the same 21-day environmental review process that has been followed for similar carriers.

#### **6. California Environmental Quality Act (CEQA) Compliance [Rule 2.4]**

Virtu may rely on existing facilities obtained from other carriers/utilities or construct its own facilities as necessary in order to deploy transportation and transmission of communications services. Virtu expects that any outside plant construction ordinarily would be relatively small, and generally would occur in existing roadways or other previously-developed and disturbed rights-of-way. Thus, Virtu expects that any such projects would fall within one of more categorical exemptions under CEQA.<sup>2</sup> Accordingly, Virtu proposes the requested grant of full facilities-based construction authority be subject to compliance with the same expedited 21-day environmental review process previously adopted for similar carriers.<sup>3</sup>

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<sup>2</sup> Available exemptions may include, *inter alia*, construction projects involving existing facilities (CEQA Guidelines Section 15301), replacement or reconstruction (CEQA Guidelines Section 15302), new construction or conversion of small structures (CEQA Guidelines Section 15303), and construction under other available exemptions.

<sup>3</sup> See, e.g., D.13-07-032 at 5-7; D.17-02-008 at 19 (Conclusions of Law 2); D.22-01-024 at 22 (Conclusions of Law 2).

Pursuant to Rule 2.4(b) of the Commission's Rules, a copy of the Proponent's Environmental Assessment ("PEA") is attached hereto as **Exhibit D**, containing Virtu's Procedures for Obtaining Expedited Review of CEQA Exemption Request.

**7. Names of Competitors and Names of Counties [Rule 3.1(b)]**

Virtu's competitors are other CLCs that own and operate "telephone lines," as defined in California Public Utilities Code § 233. Pursuant to Commission Decision 97-06-107, telecommunications service providers are no longer required to comply with former Commission Rule 18(b), and General Order 96-A, subsections (G)(1) and (2). Thus, applications such as this are exempt from the requirements of Rule 3.1(b).

**8. Areas of Service (Maps) [Rule 3.1(c)]**

Virtu seeks authority to provide its services in those exchanges where the Commission has authorized local competition. In addition, Virtu seeks non-dominant interexchange authority on a statewide basis. Attached as **Exhibit E** is a map of the service areas where Virtu may provide service.

**9. Identification of Required Franchises, Health and Safety Permits [Rule 3.1(d)]**

Virtu is not aware of any health and safety permits required for the provision of the services described herein. As a Commission-certificated public utility, Virtu will require no municipal franchises.<sup>4</sup> Virtu will abide by all applicable local permitting requirements in carrying out the activities authorized by the Commission.

**10. Facts Showing Public Convenience and Necessity [Rule 3.1(e)]**

A decision by the Commission to grant Virtu authority to provide full facilities-based and resold local exchange services will benefit the public interest by augmenting availability of cutting-

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<sup>4</sup> See Cal. Pub. Util. Code § 7901.

edge telecommunications technology within California, thereby increasing competition for existing carriers/incumbents. Competition in the provision of communications services provides Californians with more choices, lowers prices, speeds the deployment of new communication and broadband technologies, creates jobs, and benefits the economy. The Commission has previously determined that the public convenience and necessity require that competition be allowed in the provision of competitive local exchange service.<sup>5</sup> Further, 47 U.S.C. § 253(a) establishes a national policy favoring competition in the provision of telecommunications services and forbids any regulation or other legal requirement that prohibits or has the effect of prohibiting any entity from providing a telecommunications service.

Finally, the Commission's grant of this Application will result in investment in new infrastructure within the State of California, leading to economic improvement, and would be consistent with the requirements of CEQA. Through its reliable fiber network, Virtu seeks to improve broadband access to underserved communities and enhance competition in the telecommunications industry. Increasing broadband density and available service options will catalyze innovation in developing technologies and efficiency in delivering future service. Virtu submits all proposed operations will be designed to meet the need for critical telecommunications infrastructure.

#### **11. Estimated Cost of Construction, Annual Fixed and Operating Costs and Economic Feasibility [Rule 3.1(f)]**

Virtu is not requesting approval of any specific construction by this Application, and is therefore unable to provide cost information at this time. Future construction project costs will vary depending on size and complexity of the project. Any construction activities undertaken by

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<sup>5</sup> See Rulemaking 95-04-043/Investigation 95-04-044.

Virtu will be funded through financing procured through private sources, operations, or other sources that may become available.

**12. Financial Statements and Ability to Finance [Rules 2.3 and 3.1(g)]**

Virtu is financially qualified to offer and render the proposed services in California for which authority is sought. As a new applicant for a CPCN to become a facilities-based CLC, Virtu has submitted under seal as **Confidential Exhibit F** to this Application a guaranty from Platypus Nebula, LLC, Virtu's principal investor and partner, in the amount of \$125,000, and a bank account statement supporting the guaranty. The documents provided in Confidential Exhibit F demonstrate that Virtu has access to cash resources in excess of \$100,000, in compliance with D.95-12-056. Virtu confirms that the attached bank statement is accurate and represents uncommitted cash resources that are and will remain available to Virtu for use in meeting its cash requirements while this Application is pending, and during the first full year of operations under the requested authority. Virtu does not expect to be required to pay any deposits in order to provide its proposed services; however, the guaranty amount, which exceeds the \$100,000 requirement by \$25,000, and is supported by the funds shown in the account statements, will be sufficient to cover any deposit amounts in the unlikely event that deposits are required. Virtu affirms that sufficient financial resources are unencumbered and will remain available to fund its working capital requirements until sufficient revenue is generated. Thus, Virtu meets the financial qualifications shown in the Initial Rules for Competitive Local Exchange Carriers issued in D.95-07-054 and D.96-02-072 and Rule 3.1(g) of the Rules of Practice and Procedure.

The enclosed bank statement is not for public disclosure, given its highly confidential nature, and inclusion of sensitive trade secrets. Virtu has filed a contemporaneous Motion to File Under Seal to seek the Commission's confidential treatment of this material.



**13. Proposed Rates [Rule 3.1(h)]**

Virtu does not intend to offer basic service or switched access and therefore seeks an exemption from filing a tariff pursuant to GO 96-B, Telecommunications Industry Rule 5.<sup>6</sup> Consistent with D.07-09-018, the Commission has granted exemptions from tariff filing requirements to CPCN applicants that did not offer residential basic service.<sup>7</sup> Virtu will offer its service on a non-discriminatory basis and at competitive rates but will do so through individually-negotiated contracts. Should Virtu later offer such basic service or switched access, it will first comply with all tariffing obligations.

**14. General Order 104-A Statement [Rule 3.1(i)]**

Pursuant to Section 2 of G.O. 104-A, no matters that must be reported have occurred or are expected.

**15. Estimated Customer Base [Rule 3.1(j)]**

Virtu estimates that it will serve [BEGIN CONFIDENTIAL] **REDACTED** [END CONFIDENTIAL] during the first year and [BEGIN CONFIDENTIAL] **REDACTED** [END CONFIDENTIAL] during the fifth year of operations under its requested authority.

**16. Technical and Managerial Competence [D. 95-12-056, Appendix C, D.13-05-035]**

Virtu is well qualified managerially and technically to provide the competitive local exchange and interexchange services for which authority is requested in this Application. Also, Virtu's Board of Advisors include previous or current telecommunications executives whose expertise may be leveraged to ensure the delivery of high quality services. Specific details of the business and technical expertise of Virtu's key officers and management personnel are attached as

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<sup>6</sup> G.O. 96-B, Telecommunications Industry Rule 5, provides that the Commission may "grant[...] exceptions from the general requirement . . . that a Utility serve its California customers under its filed tariff." In D. 07-09-018, the Commission established detariffing rules for carriers such as CLCs.

<sup>7</sup> See, e.g., D.11-12-014, D.12-08-036, and D.13-01-010.

**Exhibit G.** This exhibit contains biographies and resumes that describe the business experiences of key management personnel who will be responsible for Virtu's telecommunications services in California. As demonstrated by the information contained in Exhibit G, Virtu is managed by persons with extensive experience in the development and facilitation of telecommunications networks. The experience and expertise of Virtu's management team will enable the company's efficient deployment of high-level services for the benefit of California consumers.

**17. Continuous Performance Bond Requirement (D.13-05-035)**

D.13-05-035 requires new and existing CPCN holders to submit a continuous performance bond in the amount of \$25,000 issued by a corporate surety company authorized to transact surety business in California with the Commission listed as an obligee on the bond. Virtu will obtain such bond and submit it to the Commission within five days of obtaining and accepting its CPCN.

**18. Certification (D.13-05-035)**

Virtu has provided in **Exhibit H** its certification satisfying the requirements of D.13-05-035, Ordering Paragraph 14.

**19. Non-Dominant Carrier Status**

Virtu requests that it be accorded the same streamlined regulatory treatment as previously accorded to CLCs as set forth in D.96-02-075, and as adopted for NDIECs, including, without limitation: exemptions from the provisions of Public Utilities Code §§ 816-830 (pertaining to the issuance of stocks and securities) and Public Utilities Code § 851 (pertaining to the transfer or encumbrance of utility assets when such transfer or encumbrance is for the purpose of securing debt) and exemption from any requirement for Virtu to maintain its books and records in accordance with the Uniform System of Account specified in 47 C.F.R. Part 32, consistent with D.99-02-038.

## **20. Proposed Categorization and Necessity for Hearing**

Virtu believes that no hearing is required on this Application and respectfully requests that the Commission classify this matter, for purposes of determining whether a hearing is necessary, as a ratesetting proceeding. The Commission previously has classified similar applications for full facilities-based and resold competitive local exchange and interexchange authority as ratesetting proceedings and acted upon them without conducting a hearing.

## **21. Proceeding Issues and Proposed Schedule**

The issues in this proceeding are whether Virtu has the managerial, financial, and technical ability to be granted a CPCN to provide full facilities-based and resold local exchange and interexchange telecommunications services. Virtu proposes the following schedule and review of this Application:

Day 1	Application Noticed on the Daily Calendar
Day 30	Period for Protests Expires
Day 60	Prehearing Conference
Day 75	Issuance of Scoping Memo
Day 90	Proposed Decision Issued
Day 100	Commission Decision Issued

## **22. Demonstration of Compliance with the Commission Rules**

**Exhibit A** to this Application is a schedule referencing the specific sections of this Application that address the procedural requirements of the Commission's Rules of Practice and Procedure applicable to the issuance of CPCNs.

### **Conclusion**

Virtu respectfully requests that the California Public Utilities Commission grant it a Certificate of Public Convenience and Necessity to provide full facilities-based and resold competitive local exchange and interexchange telecommunications services in the State of California and such further relief that may be just and reasonable.

Respectfully submitted,

/s/

Thaila Sundaresan

David Huang

DAVIS WRIGHT TREMAINE LLP

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San Francisco, CA 94111-6533

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Email: [davidhuang@dwt.com](mailto:davidhuang@dwt.com)

Dated: May 19, 2022

Attorneys for Virtu Broadband, LLC

## **LIST OF EXHIBITS**

<u>Exhibit A</u>	Demonstration of Compliance
<u>Exhibit B</u>	Formation Documents
<u>Exhibit C</u>	Evidence of Qualification to Transact Business in California
<u>Exhibit D</u>	Proponent's Environmental Assessment, containing Procedures for Obtaining Expedited Review of CEQA Exemption Request
<u>Exhibit E</u>	Service Area Map
<u>CONFIDENTIAL</u>	
<u>Exhibit F</u>	Financial Statements and Bank Statements
<u>Exhibit G</u>	Biographies of Key Management and Personnel
<u>Exhibit H</u>	D.13-05-035 Certification
<u>Exhibit I</u>	Sworn Declaration

**EXHIBIT A**

**Demonstration of Compliance**

## **EXHIBIT A**

### **Demonstration of Compliance**

<b>CPUC RULE</b>	<b>REQUIREMENT</b>	<b>APPLICATION REFERENCE</b>
2.1(a)	Identification of Applicant	Section 1
2.1(b)	Correspondence or Communications	Section 2
3.1(e)	Description of Services to be Provided	Section 3
2.2	Certificate of Formation; Certificate of Conversion; Certificate of Qualification for California	Section 4; Exhibits B/C
3.1(a)	Description of Proposed Construction	Section 5
2.4	CEQA Compliance	Section 6; Exhibit D
3.1(b)	Names of Competitors and Names of Counties	Section 7
3.1(c)	Map of Service Areas	Section 8; Exhibit E
3.1(d)	Franchises, Health and Safety Permits Required for Construction	Section 9
3.1(e)	Facts Showing Public Convenience and Necessity	Section 10
3.1(f)	Estimated Cost of Construction	Section 11
3.1(g)	Financial Statement and Ability to Finance [CONFIDENTIAL]	Section 12; Confidential Exhibit F
3.1(h)	Proposed Rates	Section 13
3.1(i)	G.O. 104-A Statement	Section 14
3.1(j)	Estimated Customer Base (1 <sup>st</sup> and 5 <sup>th</sup> years)	Section 15
2.1(d)	Technical and Managerial Competence (D.95-12-056, D.13-05-035)	Section 16; Exhibit G
2.1(d)	Continuous Performance Bond (D.13-05-035)	Section 17
2.1(d)	Verification (D.13-05-035)	Section 18; Exhibit H

**EXHIBIT B**

**Formation Documents**



# Delaware

The First State

Page 1

*I, JEFFREY W. BULLOCK, SECRETARY OF STATE OF THE STATE OF DELAWARE, DO HEREBY CERTIFY "VIRTU BROADBAND, LLC" IS DULY FORMED UNDER THE LAWS OF THE STATE OF DELAWARE AND IS IN GOOD STANDING AND HAS A LEGAL EXISTENCE SO FAR AS THE RECORDS OF THIS OFFICE SHOW, AS OF THE FIRST DAY OF MARCH, A.D. 2022.*

*AND I DO HEREBY FURTHER CERTIFY THAT THE SAID "VIRTU BROADBAND, LLC" WAS FORMED ON THE FIFTH DAY OF MAY, A.D. 2021.*

*AND I DO HEREBY FURTHER CERTIFY THAT THE ANNUAL TAXES HAVE BEEN ASSESSED TO DATE.*

A handwritten signature of Jeffrey W. Bullock in black ink, written over a horizontal line. Below the line, the text "Jeffrey W. Bullock, Secretary of State" is printed.

Jeffrey W. Bullock, Secretary of State

5894454 8300

SR# 20220830031

You may verify this certificate online at [corp.delaware.gov/authver.shtml](http://corp.delaware.gov/authver.shtml)

Authentication: 202796695

Date: 03-01-22

202206911206

**EXHIBIT C**

**Evidence of Qualification to Transact Business in California**

**State of California**  
**Secretary of State**  
**Certificate of Registration**

I, SHIRLEY N. WEBER, Ph.D., Secretary of State of the State of California, hereby certify:

Entity Name: VIRTU BROADBAND, LLC

California Name: VIRTU BROADBAND, LLC

File Number: 202206911206

Registration Date: 03/01/2022

Entity Type: FOREIGN LIMITED LIABILITY COMPANY

Jurisdiction: DELAWARE

The above referenced entity complied with the requirements of California law in effect on the Registration Date for the purpose of qualifying to transact intrastate business in the State of California, and that as of the Registration Date, said entity became and now is duly registered and authorized to transact intrastate business in the State of California, subject however, to any licensing requirements otherwise imposed by the laws of this State and that the entity shall transact all intrastate business within California under the California Name as set forth above.



**IN WITNESS WHEREOF**, I execute this certificate and affix the Great Seal of the State of California this day of March 10, 2022.

A handwritten signature in black ink, appearing to read "Shirley N. Weber", followed by a stylized flourish.

**SHIRLEY N. WEBER, Ph.D.**  
**Secretary of State**



Secretary of State

LLC-5

Application to Register a Foreign Limited Liability Company (LLC)

**FILED**

Secretary of State  
State of California

202206911206

Filing Number

03/01/2022

Filing Date

**IMPORTANT** — Read Instructions before completing this form.

Must be submitted with a current Certificate of Good Standing issued by the government agency where the LLC was formed. See Instructions.

**Filing Fee** — \$70.00

**Copy Fees** — First page \$1.00; each attachment page \$0.50;  
Certification Fee — \$5.00

Note: Registered LLCs in California may have to pay minimum \$800 tax to the California Franchise Tax Board each year. For more information, go to <https://www.ftb.ca.gov>.

This Space For Office Use Only

**1a. LLC Name** (Enter the exact name of the LLC as listed on your attached Certificate of Good Standing.)

VIRTU BROADBAND, LLC

**1b. California Alternate Name, If Required** (See Instructions — Only enter an alternate name if the LLC name in 1a not available in California.)

**2. LLC History** (See Instructions — Ensure that the formation date and jurisdiction match the attached Certificate of Good Standing.)

**a. Date LLC was formed in home jurisdiction (MM/DD/YYYY)**

5 / 5 / 2021

**b. Jurisdiction** (State, foreign country or place where this LLC is formed.)

Delaware

**c. Authority Statement** (Do not alter Authority Statement)

This LLC currently has powers and privileges to conduct business in the state, foreign country or place entered in Item 2b.

**3. Business Addresses** (Enter the complete business addresses. Items 3a and 3b cannot be a P.O. Box or "in care of" an individual or entity.)

**a. Street Address of Principal Executive Office - Do not enter a P.O. Box**

111 W. Ocean Blvd. Ste. 400

City (no abbreviations)

Long Beach

State

CA

Zip Code

90802

**b. Street Address of Principal Office in California, if any - Do not enter a P.O. Box**

111 W. Ocean Blvd. Ste 400

City (no abbreviations)

Long Beach

State

CA

Zip Code

90802

**c. Mailing Address of Principal Executive Office, if different than item 3a**

4205 Diamond Cir

City (no abbreviations)

Oceanside

State

CA

Zip Code

92056

**4. Service of Process** (Must provide either Individual OR Corporation.)

**INDIVIDUAL** — Complete Items 4a and 4b only. Must include agent's full name and California street address.

**a. California Agent's First Name (if agent is not a corporation)**

Christopher

Middle Name

Michael

Last Name

Van Ekelenburg

Suffix

**b. Street Address (if agent is not a corporation) - Do not enter a P.O. Box**

4205 Diamond Cir

City (no abbreviations)

Oceanside

State

CA

Zip Code

92056

**CORPORATION** — Complete Item 4c only. Only include the name of the registered agent Corporation.

**c. California Registered Corporate Agent's Name (if agent is a corporation) — Do not complete Item 4a or 4b**

**5. Read and Sign Below** (See Instructions. Title not required.)

By signing, I affirm under penalty of perjury that the information herein is true and correct and that I am authorized to sign on behalf of the foreign LLC.

Signature

Type or Print Name

CHRISTOPHER VAN EKELENBURG

**EXHIBIT D**

**Rule 2.4(b) Proponent's Environmental Assessment**

## **EXHIBIT D**

### **Rule 2.4(b) Proponent's Environmental Assessment**

Virtu Broadband, LLC (“Applicant”) intends to provide infrastructure facilities (such as dark fiber) in connection with the transport of communications services. Applicant will rely on existing facilities obtained from others and will construct its own facilities in certain cases. Applicant expects that any outside plant construction would consist primarily of upgrading existing street light poles and placing subsurface conduit. Further, such construction generally would be expected to occur in existing roadways or other previously-developed and disturbed rights-of-way.

As the Commission has recognized, previously, it can be expected that such projects would fall within one or more categorical exemptions under CEQA. See, *e.g.*, Decision 13-07-032, which granted full-facilities-based authority to Vodex Communications Corporation, subject to compliance with an expedited 21-day environmental review process. To assure that there would be no significant adverse environmental impacts from any such construction, Applicant will follow the procedure Vodex Communications Corporation, Impulse Telecom, LLC, ATC Outdoor DAS, SnowCrest Telephone, Inc., Pacific Lightwave, Freedom Telecommunications, Inc. and other carriers<sup>8</sup> to establish whether CEQA exemptions apply. If a determination is made that the proposed construction is not exempt, Applicant would file a new application for approval of the contemplated project; Applicant submits that the foregoing process assures that there is no possibility that grant of Applicant’s CPCN application may have a significant adverse effect on the environment.

#### **Procedures for Obtaining Expedited Review of CEQA Exemption Request**

- Prior to ground-disturbing construction, Applicant will provide the Commission Energy Division with:
  - A detailed description of the proposed project, including:
    - Customer(s) to be served;
    - The precise location of the proposed construction project; and
    - Regional and local site maps.

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<sup>8</sup> See, *e.g.*, D.16-08-011 (*PAXIO, Inc.*); D.15-02-012 (*Inyo Networks, Inc.*); D.13-07-032 (*Vodex Communications Corp.*); D.13-02-010 (*Impulse Telecom, LLC*).



- A description of the environmental setting, including, at a minimum:
  - Cultural, historical, and paleontology resources;
  - Biological resources; and
  - Current land use and zoning.
- A construction work plan, including:
  - Commission Preconstruction Survey Checklist-Archaeological Resources;
  - Commission Preconstruction Survey Checklist-Biological Resources;
  - A detailed schedule of construction activities, including site restoration activities;
  - A description of construction/installation techniques;
  - A list of other agencies contacted with respect to siting, land use planning, and environmental resource issues, including contact information; and
  - A list of permits required for the proposed project.
  - A statement of the CEQA exemption(s) claimed to apply to the proposed projects; and
  - Documentation supporting the finding of exemption from CEQA.
- The Commission's Energy Division shall then review the submittal and shall notify Applicant of either its approval or its denial of Applicant's claim for exemption from CEQA review within 21 days from the time that Applicant's submittal is complete.
- If the Commission's Energy Division approves Applicant's claimed CEQA exemption(s), the staff shall prepare a Notice to Proceed (NTP) and file a Notice of Exemption with the State Clearinghouse, Office of Planning and Research.
- If the Commission's Energy Division disapproves Applicant's claimed CEQA exemption(s), the staff shall issue to Applicant a letter that states the specific reasons that the claimed CEQA exemption(s) do not apply to the proposed project.
- If the Commission's Energy Division disapproves Applicant's claimed CEQA exemptions(s) and Applicant wishes to pursue the project, Applicant shall either redesign the specific project and facilities and then reapply for a finding of exemption from CEQA, or file a formal application with the Commission seeking the requisite approval and full CEQA review, before commencing any full facilities-based construction activities.

**EXHIBIT E**

**Service Area Map**



## EXHIBIT E

### Service Area Map

Applicant seeks authority to serve the territories of AT&T California, Frontier California, Inc. (former Verizon California, Inc. territory), Citizens Telecommunications Company of California, Inc. d/b/a Frontier Communications of California, and Consolidated Communications of California Company (formerly SureWest Telephone) as listed in the map below.



**CONFIDENTIAL EXHIBIT F**

**Guaranty and Bank Statement**

**(ENTIRE EXHIBIT IS CONFIDENTIAL)**

**EXHIBIT G**

**Biographies of Key Management and Personnel**

**Chris Van Ekelenburg**  
Oceanside, CA 92056  
Phone: (805) 248-8413  
Email: [chris@virtubroadband.com](mailto:chris@virtubroadband.com)

## **PROFESSIONAL BIOGRAPHY:**

Chris Van Ekelenburg is a proficient telecommunications executive with 15+ years leading fiber optic programs across North America. With an early foundation in engineering outside plant, Mr. Van Ekelenburg successfully managed numerous network deployments for the largest telecommunications providers in the United States. These experiences led Chris to develop a grassroots engineering and consulting business, to support the telecommunications industry.

In 2007, Chris Van Ekelenburg worked as an independent contractor while studying full-time at the University of California, Berkeley. Before graduating with a B.A. in Economics and Political Science, Chris attracted business and mobilized effective teams to engineer telecommunications projects across California. During his tenure at UC Berkeley, Chris joined extra-curricular volunteer programs at Martin Luther King Middle School, where he mentored at-risk youth in the Bay Area. Between his demanding academics and work schedule, Mr. Van Ekelenburg partnered with the San Diego Board of Education to spearhead a gang-prevention volunteer program, Rise Above, to keep less-advantaged high school students from dropping out of school, and subsequently joining gangs in San Diego. A keystone success was overseeing its first mentee get accepted to a 4-year university. This experience underscores Chris' commitment to community and emboldened his vocation to serve the less-fortunate.

By 2014, Chris' experience in the telecommunications industry granted the opportunity to work on a large scale fiber deployment in the Bay Area, where he managed a team of local and international engineering silos. Working cross-functionally in a large corporate environment allowed Chris to make impactful decisions that influenced how the company completed projects. Within six months, the engineering team's permit approval rating skyrocketed, allowing construction to get underway ahead of schedule. Following a successful end of the project, Mr. Van Ekelenburg sought the challenge of having a similar success, but in an unfamiliar jurisdiction.

In 2016, Mr. Van Ekelenburg contracted with the world's largest construction company to hire, train, and develop an engineering staff in North Carolina for a \$MMM fiber deployment. Chris worked with local government, business stakeholders, and internal departments to influence how work was being completed in the state. In 2017, Chris rejected the offer for full-time employment in order to pursue a legal education in Chicago and start his own engineering business.

CalComm Consulting was established in January of 2017 to support fiber optic deployment, and to maintain Chris' aspirations to become a practicing attorney in the telecommunications field. During his 1L studies, Chris sought large engineering projects in California, where his network of employees resided. Inspired by the opportunities 5G would provide, Chris made a decision to leave law school in pursuit of a successful business enterprise.

In 2019, CalComm became an engineering consultant to Merced Irrigation District, a public utility in California's Central Valley. Mr. Van Ekelenburg's company won a bid to engineer a utility-owned fiber optic network, which became the impetus for a larger intent to serve the greater Merced County. In 2021, CalComm was awarded a third phase to further augment MID's network, where the relationship with local jurisdiction continue to thrive. His business grew with more interest in services, and CalComm began onboarding with major ISPs to provide engineering services nationwide. Clients include: Verizon, AT&T, Crown Castle, Sonic, and others.

As an established executive, Chris Van Ekelenburg sought ways to help the world become a more equitable place. He noticed how major ISPs disproportionately invest in network deployment, resulting in increasingly disparate broadband access statistics. As such, there is a societal role to fill in decreasing this gap in access. Subsequently, Mr. Van Ekelenburg developed the brainchild of Virtu Broadband. This company was established in May of 2021, to bridge the broadband access gap and combat the lack of investment in certain communities—where major ISPs fail to prioritize, and where local governments struggle to effectively execute on their own.

**Chris Van Ekelenburg**  
Phone: (805) 248-8413  
Email: Chris@virtubroadband.com

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**EDUCATION**

**Bachelor of Arts, Economics and Political Science**  
University of California, Berkeley (Berkeley, CA)

*May 2014*

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**CERTIFICATIONS**

Project Management Institute - Project Management Professional (PMP)

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**EXPERIENCE**

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**Co-Founder and CEO – Virtu Broadband, LLC**

*2021 - present*

- Based in California, Virtu Broadband was developed to increase broadband access in the less-developed regions of the United States. Currently seeking full facilities-based licensing in California.

**Founder and CEO – CalComm Consulting, LLC**

*2017 - present*

- Based in California, our Architecture and Engineering services group is responsible for designing and permitting outside plant applications for major ISPs and local governments. Our internal teams have executed thousands of applications and achieved notable milestones for various fiber programs nationwide. Services include: site survey and analysis, pole loading assessments, make ready engineering, CAD drafting for detailed designs, special permitting, utility relocation and coordination, and construction management.

**Construction Manager – Mastec**

*2018 - 2019*

- Based in San Jose, CA. Developed and led a self-perform team, and managed contractors for a large Verizon fiber deployment in the Bay Area. Responsible for deploying hundreds of lateral miles of fiber, with the majority of work being completed on utility poles. Worked with engineering and construction parties to solve complex issues facing a growing department, and managed the third party relationships with local city inspectors to increase approvals.

**Engineering Manager – Bechtel (Google Fiber)**

*2016 - 2017*

- Based in Charlotte, NC. Responsible for leading the Engineering department for Google Fiber's program in Charlotte. Directed and coordinated self-performed and subcontracted activities. Performed installation assessments, reviewed designs and as-built drawings. Worked cross-functionally between engineering and construction to resolve field-initiated queries and ensure a cost-effective plant. Oversaw meetings with pole owners, municipalities, and the utility owners regarding engineering standards, designs, and construction requirements. Effectively turned the company from 0% permit approvals to gaining the ability to construct a large fiber optic deployment in under one year.

**Make Ready Engineering Lead – Ericsson (Google Fiber)**

*2015 - 2016*

- Based in San Jose, CA. Responsible for performing aerial engineering for Google Fiber's deployment in the Bay Area. Utilized survey data to conduct structural analyses and determine make ready needs for each attachment. Engaged technical knowledge of General

Order 95, National Electric Safety Code (NESC), and local regulations to perform PLA assessments on thousands of poles using O-Calcul. Trained and managed the first global business unit in New Delhi.

**Project Manager – AFL Global**

*2014 - 2015*

- Based in California. Managed day-to-day operations of all inspection and design projects for AT&T Pacific West. Initiated first departmental QC process to improve safety and approval ratings to over 400%. Executed all aspects of the bidding process, inclusive of budgetary requirements and tracking thereof. Provided regular written updates on project status to key stakeholders and managed a 20-person team of engineers and surveyors.

**OSP Field Engineer – Engineering Associates**

*2013 - 2014*

- Based in Upland, California. Directly managed AT&T's FTTx, JPA, and ASE projects throughout California. Planned budget, schedule, and resources to execute all design projects. Directed large volume of design scope and responsible for project closeout in Quickbase. Assisted Program Manager to lower overhead by \$90k/month while increasing on-time delivery from under 60% to 98% across all field and design scopes of work.

**Make Ready Engineer / OSPE – Independent Contactor**

*2007 - 2013*

- Based in San Diego, CA. Designed outside plant work orders, including drops and distribution to businesses and residential units. Developed strategy to support FTTH for Verizon FiOS installations. Procured all field information, records, and maps to perform pole loading assessments. Created Make Ready construction packages, and underground construction drawings including: fiber optic cable placement, pedestals, handholes, grounding, etc. Managed the permitting process from design to construction. Worked with numerous service groups to improve quality, and forged meaningful relationships with municipalities to drive value for our clients.

**Scott Shafer**

Flower Mound, TX 75028

Phone: (214) 681-0444

Email: [scott@virtubroadband.com](mailto:scott@virtubroadband.com)

**PROFESSIONAL BIOGRAPHY:**

Scott Shafer serves as Chief Operations Officer and Executive Vice President for Virtu Broadband, LLC.

Scott Shafer is an experienced telecommunications network deployment and operations specialist with a long history of successful fiber deployments all across the country. With a background in fiber engineering and construction management of 15 years, Mr. Shafer has experience working on many of the most successful network deployments of this century.

After starting as a network engineer and autocad drafter in 2007 part time as while attending the University of North Texas, Mr. Shafer transitioned to a full time independent contractor in 2008 to support multiple deployments simultaneously. He put college on hold after completing all coursework to become a high school economics teacher just one semester short of graduating to focus on telecommunications engineering projects. Mr. Shafer would later take night classes to complete his degree in 2017.

As an independent contractor and consultant, Mr. Shafer traveled around the country completing fiber deployment projects in Virginia, California, Texas, Florida, North Carolina and Georgia from 2008 until 2012. During that time, he developed his own engineering programs and software within AutoCAD to expedite the documentation creation processes within the engineering work orders he was contracted to complete. After his time on the road, he developed an affinity for various deployment methodologies and network topologies which allowed him to consult his clients on viable solutions to both routine and complex projects.

In 2013 Mr. Shafer took an internal position with a large cable MSO to understand the operations, budgets, and scaling of outside plant and inside plant systems from a network owner standpoint. During his time with the MSO, Time Warner Cable, he ascended to the role of Texas OSP Lead where he managed all aspects of network deployment, maintenance and documentation. By the end of 2014 he received an opportunity to lead the development of a brand new fiber engineering and construction department within industry giant Ericsson and oversaw their fiber deployment programs on the west coast supporting their large clients; AT&T, CenturyLink, and Google. Mr. Shafer was later brought into Google directly to manage their construction vendors in Texas for their large scale fiber to the home deployments before being headhunted by Black&Veatch to lead their Texas operations for their large fiber to the home deployment contracts with AT&T.

By 2017, Mr. Shafer took his years of experience and started his own company, which consulted to Verizon and AT&T and various other construction companies on fiber based technologies and scaling up large deployments. Mr. Shafer later sold his company to one of his clients and continued to consult with Verizon directly as an independent OSP consultant during this time. Another of Mr. Shafer's clients hired him as a Vice President of Wireline Engineering until Mr. Shafer left the company to pursue goals including Program Management at Quanta Services and development of Virtu Broadband with several former colleagues around the industry.



**SCOTT SHAFER**  
Phone: (214) 681-0444  
Email: Scott@virtubroadband.com

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**EDUCATION**

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<b>Bachelor of Science, Economics with Education and History</b> <i>University of North Texas (Denton, TX)</i>	May 2017
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**CERTIFICATIONS**

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Project Management Institute - Project Management Professional (PMP)  
Project Management Institute - Agile Certified Practitioner (PMI-ACP)

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**EXPERIENCE**

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<b>Program Manager - Quanta Services</b>	2020 - 2022
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- Based in Texas, Develop and manage all aspects of fiber deployment including documentation, materials selection, network architecture, processes and training of project management and deployment teams.

<b>Vice President - WT Group</b>	2019 - 2020
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- Based in Texas, Develop and manage all aspects of fiber deployment including documentation, business development, process development and training of project management and engineering teams.

<b>OSP Regional Lead - Verizon</b>	2017 - 2019
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- Based in Washington, Develop and manage all aspects of fiber deployment including documentation, materials selection, network architecture, processes and training of project management teams and external deployment vendors while coordinating with internal stakeholders from wireless deployment teams and external stakeholders from municipalities and joint utility pole owners.

<b>Founder, Owner, and President - Arcturus Telecom, LLC</b>	2017 - 2019
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- Based in Texas, Oversaw all aspects of business development, staff recruiting and training, financial planning, project bidding, workflow management, documentation creation as well as client consulting and vendor onboarding and management. Wrote and negotiated all contracts and scopes of work, as well as built processes, schedules, and quality plans for program delivery. As founder and senior most employee of the organization, I consulted with team leads, but ultimately made every key decision in the best interest of the business needs including sale of company to Hylan, LLC and management post sale.

<b>Market Operations Lead - Black &amp; Veatch</b>	2016 - 2017
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- Based in Texas, Served as internal subject matter expert for fiber to the home deployments across the state of Texas and Oklahoma. Managed and trained a team of over 30 direct reports to engineer and permit the deployment of 20-30 miles of fiber optic cabling per week.

**OSP Lead - Google Fiber** 2016

- Based in Texas, Manage all aspects of fiber deployment including documentation, materials selection, network architecture changes, process improvements and training of external deployment vendors and collaborating with local municipalities.

**Engineering Lead - Ericsson** 2014 - 2016

- Based in Texas, Manage all aspects of fiber to the home deployments including documentation, process improvements and training project engineering and management teams while interfacing with local municipalities.

**Lead OSP Designer - Time Warner Cable (Now Spectrum)** 2013 - 2014

- Based in Texas, Manage all aspects of fiber deployment and documentation of existing networks, including cell tower backhaul and fiber to the business construction across the state of Texas. Developed processes and managed vendors while coordinating with internal and external stakeholders of all levels.

**OSP Engineer - Nexlink Communications / Wellsco Inc / Various Contracts** 2007 - 2012

- Based in Texas and Virginia and Florida, Manage all aspects of fiber engineering projects including materials selection, permitting, as well as documentation and network database creation. Worked primarily as an independent contractor while designing projects for all outside plant needs.

**Chris Roth**

1439 Newport Avenue, San Jose, CA 95125

Phone: (408) 499-0025

Email: chrisroth408@gmail.com

**PROFESSIONAL BIOGRAPHY:**

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Chris Roth serves as Vice President, Market Development for Virtu Broadband, LLC.

Chris Roth is an experienced legal operations, compliance, and public affairs professional and a former candidate for San Jose City Council in District 6, which includes the neighborhoods of Willow Glen, Rose Garden, and Santana Row. As Legal Operations Lead at Viavi Solutions Inc, a global provider of network and fiber test, monitoring, and assurance solutions and 5G technology, Chris helps oversee corporate social responsibility efforts, information governance, equity compliance, legal technology initiatives, and team development. Prior to his time at Viavi Solutions Inc, Chris served as Senior Paralegal, Government Affairs at Silicon Valley Bank. In addition to his work in the tech industry, Chris is quite passionate about civic engagement and making an impact in the community. During the 2018 election cycle, Chris served on the finance committee of California Governor Gavin Newsom's gubernatorial campaign and has held advisory and fundraising roles on multiple political campaigns and entrepreneurial endeavors in the Bay Area over the last two decades. Chris currently serves as Board Chair of the Willow Glen Community Extended Day Enrichment Program as well as on the Executive Board of the Willow Glen Elementary School PTA. Chris has also recently served as Chair of the San Jose Library and Early Education Commission and as President of the Willow Glen Neighborhood Association.

As candidate for San Jose City Council, Chris received endorsements from California Governor Gavin Newsom, California Treasurer Fiona Ma, Former San Jose Vice Mayor Madison Nguyen, California Board of Equalization Chair Malia Cohen, Former San Francisco Mayor Mark Farrell, and many other civic leaders.

## **Chris Roth**

1439 Newport Avenue, San Jose, CA 95125

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### **EXPERIENCE:**

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#### **Legal Operations Lead, Viavi Solutions Inc.**

**(formerly JDS Uniphase Corp.), San Jose, CA**

*October 2016 - present*

- Manage department technology and process improvement initiatives relating to e-discovery/litigation, e-billing & invoice management, data governance, Board of Directors administration, and other special projects; liaise with IT's senior leadership team and various operational divisions throughout the cross-functional testing and implementation of these efforts
- Provide organizational, operational, and strategic support to the General Counsel to help optimize the legal department for the decade ahead
- Oversee response to and compliance of all service of process and time-sensitive court orders received by the company; also assist with confidential special investigations (HR), regulatory compliance, and litigation/discovery needs
- Lead ongoing and long-term document retention and information governance efforts
- Serve as department liaison with the finance department for the purposes of budget management, financial planning, and equity/stock administration

#### **Candidate, San Jose City Council – District 6**

*September 2015 - June 2016*

- Ran full-time for local elected office in a district of nearly 100,000 residents in San Jose, California
- Attended multiple public candidate forums and countless endorsement interviews with various interest groups, clubs, and organizations; also knocked on thousands of doors throughout the campaign
- Participated in the District 6 Voter Information Transparency Project, during which I reviewed hundreds of San Jose City Council memos and staff reports over the course of eight months and took positions on 61 actual City Council items ranging from land use to homelessness

#### **Senior Paralegal, Government Affairs,**

**Silicon Valley Bank, Palo Alto, CA**

*April 2011- October 2015*

- Litigation, Legal Process, Human Resources: oversaw response to and compliance of all corporate legal process (subpoenas, levies, HR disputes, garnishments, court orders, etc.), tracked discovery deadlines, reviewed document productions, facilitated settlement payments, drafted litigation reports
- Intellectual Property, General Paralegal Support, Special Projects: managed domestic and international intellectual property filings and deadlines, oversaw the company's economic development and government incentive agreements and related compliance, coordinated with outside counsel on corporate matters, assisted various departments with regulatory compliance
- Vendor Management, E-Billing, and Financial Planning: served as company administrator of e-billing systems Serengeti (now Thomson Reuters Legal Tracker) and SimpleLegal,

tracked spending trends & analytics, generated legal spend reports, oversaw monthly and quarterly legal spend accruals, assisted with law firm relationship management

- Business Licenses: worked with local municipalities to acquire and renew the company's business licenses at over two dozen locations
- Government Affairs: organized over 50 policy roundtables and fundraisers featuring members of the United States Congress, conducted legislative research, met frequently with federal, state, county, and local elected officials as well as trade organizations to discuss public policy and land use pertinent to the company

**Account Executive, TERIS (now Inventus), Palo Alto, CA** *December 2008 - March 2011*

- Provided e-discovery and litigation support to dozens of legal professionals throughout Silicon Valley
- Supported the company's highest revenue-producing account manager in all aspects of his daily operations and interaction with clients
- Assisted with the oversight and completion of time-sensitive tasks such as digital productions, database management, e-discovery, document review, and forensic collections

**Assistant Vice President, Corporate Paralegal, United Commercial Bank**

**(now East West Bank), San Francisco, CA**

*September 2005 - November 2008*

- Prepared and submitted SEC disclosure and corporate regulatory filings on behalf of the company; such filings included proxy statements, Section 16 filings, financial disclosures, trademark applications, and annual reports
- Served as contract administrator for the Legal Department
- Managed the company's stock option plan, executive stock ownership reports, insider trading communications, Code of Conduct training, and D&O questionnaires
- Maintained corporate records, subsidiary filings, and international filings
- Researched and responded to various company-wide legal matters affecting various regions of the country

**EDUCATION:**

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University of San Diego, San Diego, CA

- Bachelor of Arts in Philosophy, minor in Spanish
- St. Ignatius College Preparatory, San Francisco, CA

**VOLUNTEER EXPERIENCE & CIVIC INVOLVEMENT:**

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- Candidate, San Jose City Council – District 6 (2015 - 2016)
- Executive Board Member, Willow Glen Elementary PTA (2017 – present)
- Volunteer & Creek Wader, South Bay Clean Creeks Coalition (2013 – present)
- Member, Our Avenue Committee, Willow Glen Business Association (2014 – 2017)
- Chair and Member, San Jose Library and Early Education Commission (2012 – 2017)
- President and Board Member, Willow Glen Neighborhood Association (2012 – 2016)
- Member, Lincoln Avenue Road Diet Working Group (2014 – 2016)
- Member, Government Relations Committee, Transportation Policy Committee, and Working Council, Silicon Valley Leadership Group (2013-2015)

**Eric Thompson**  
Phone: (407) 301-9841  
Email: et.ospe@gmail.com

## **SKILLS**

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National Level Organization Management  
14+ Years experience in Outside Plant  
Executive Level Operational Responsibilities  
Experienced Business Developer & Client Relations Manager

## **EXPERIENCE**

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Eric Thompson serves as Executive Vice President, Network Deployment for Virtu Broadband, LLC.

### **Integra Design Group, LLC, Chicago, IL – Chief Operating Officer** *July 2020 – Present*

- Responsible for day to day operational management for the organization.
- Develop New business opportunities Nationally (US).
- Responsible for sourcing new clients, vendors and both internal & external resources for production.
- Responsible for operations management, P&L, annual budgets and profitability of all business units.
- Responsible for Engineering activities of all vendors
- Responsible for curating strong relationships with customers, vendors, and resources to sustain growth.

### **Decisive Communications, Ijamsville, MD – Director of Organizational Development**

*February 2019 - July 2020*

- Responsible for developing processes and procedures for all markets and business units
- Develop New business opportunities across the Eastern U.S.
- Responsible for sourcing new clients, vendors and both internal & external resources for production.
- Responsible for operations management, P&L, annual budgets and profitability of several business units.
- Responsible for Engineering activities of all vendors
- Responsible for lowering total cost of turn-key OSP & ISP services through efficiency and process improvement

### **Hylan Group, Holmdel, NJ – Vice President of Engineering** *January 2018 - February 2019*

- Responsible for all Engineering & Design activities for domestic and global markets
- Develop Engineering teams in New Jersey, Chicago, Dallas, Florida and Arizona
- Responsible for Hiring, Training, Directing and garnering production from team of Managers, Supervisors and production staff (30+ as of August 2018)
- Responsible for all Business Development team for U.S. opportunities
- Responsible for operations management, P&L, annual budgets and profitability of team

- Responsible for Engineering activities for all Hylan subsidiary companies
- Responsible for lowering total cost of turn-key Engineering services through efficiency and process improvement

**Ledcor Group, Austin, TX – Director of U.S. Engineering** *July 2017 – January 2018*

- Responsible for all Engineering & Design activities for domestic U.S. Markets
- Establishment of Engineering Team in Austin, Chicago & Kentucky
- Responsible for Hiring, Training, Directing and garnering production from team of Managers, Supervisors and production staff (20+)
- Integral part of Business Development team for U.S. opportunities
- Responsible for operations management, P&L, annual budgets and profitability of team

**B2 Innovation, Cartersville, GA – Vice President of Engineering** *January 2016 - July 2017*

- Oversee Design & Engineering Operations across all clients in the company portfolio
- Create efficiency in the Production Workflow to maximize output and minimize costs
- Perform process and procedure updates to better synchronize all team members and managers
- Head up Client Servicing for existing customers with focus on building long term relationships
- Establish new business opportunities through networking and demonstration
- Implemented Quality Control methodologies to improve overall product
- Establish and maintain system of metrics tracking and analysis

**Summit Broadband, Orlando, FL – Fiber Design Manager** *January 2015 - January 2016*

- Spearheaded development of Quality Control and Design Procedures
- Reverse Engineered existing network to provide full documentation
- Planned infrastructure routes for greatest efficiency
- Converted existing paper records into Bentley V8i system
- Introduced new design procedures, saving 17-22% in construction costs
- Engineered a distribution network to cut materials and labor costs for greater productivity and lower operational expense
- Managed 5-8 employees & contractors at any given time

**Hylan Datacom & Electrical, Maspeth, NY – Director of Design**

*August 2013 - December 2014*

- Built design department from the ground up, including sourcing talent, providing training and establishing quality control procedures
- Oversaw the design and Engineering of a Fiber overbuild in Manhattan, NY
- Created and documented detailed customer specifications for construction and engineering
- Undercut estimated design costs by approximately 27% in 2014
- Conducted client meetings as needed

**QualiSource, LLC, Kissimmee, FL – Owner / Founder**

*February 2012 - August 2013*

- Owned and operated design and engineering startup subcontracting firm

- Provided fiber optic design, quality control, training and consulting services for the OSP/CATV/Telecommunications markets
- Full working knowledge of Fiber Distribution architectures (FTTn, Fttx, EPON, GPON, HFC, FTTcs)
- Standardized deliverables for client cost benefit
- Managed team of up to 40 employees and contractors

**Rainbow Design Services, Jeffersontown, KY – Fiber Design Manager**

*January 2011 - January 2012*

- Operated fiber production group for FTTn network documentation projects
- Worked closely with clients on all projects to maintain specifications
- Hired, Trained and Managed team of 8-10 employees
- Developed documentation for splicing and field notation
- Microstation/Bentley v8i, AutoCAD, Vizio

**AT&T, Blue Island, IL – Fiber Designer**

*October 2007 - December 2011*

- Design and Drafting for AT&T U-Verse Project (FTTN)
- Designed locations, cable routing and fiber splicing details for new OSP Equipment and required construction
- Full working knowledge of telecom OSP principles and design implementation
- Worked closely with up to 14 Engineers and Managers on various projects
- Developed templates standardized formatting for permit submissions to improve overall turn-around on city projects
- Selected to design special projects by management, including new approaches for placing and mounting fiber cabinets, unusual terminal placements and long-lead time permit designs

**REFERENCES**

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- Available upon Request.



**David Rottmayer**

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**PROFESSIONAL BIOGRAPHY:**

David Rottmayer serves as Vice President, Construction for Virtu Broadband, LLC

Mr. Rottmayer has been in the telecommunications industry for 43+ years and has designed, built, and operated wireline & wireless globally. He is a recognized trainer and expert in FTTx design and deployment, having been an early leader in deploying these technologies. His background lends to quickly understanding not only the technical but also, the business – financial and product - needs within telecommunications. While not only understanding the wireline side but also how to create hybrid environments that complement the business needs.

Mr. Rottmayer has written and published several articles on the subject of FTTH as well as having designed, deployed, and operated FTTH and other telecommunications networks worldwide.

**David Rottmayer**

(870) 656 9825

drottmayer08@gmail.com

**SKILLS:**

- International Level Organization Management
- 43+ Years' experience in Telecommunications
- 30+ Years' Executive Level Operational Responsibilities

**EXPERIENCE:**

David Rottmayer serves as Vice President, Construction for Virtu Broadband, LLC

**Telenest LLC, Lead Hill, Arkansas — *Consultant***

April 2021 - Present

- Developing Broadband strategies for State Level US Treasury and USDA grant / loan programs
- Developing High Level and Low-Level designs for various outside plant and wireless customers
- Developing training materials and hands-on labs for major MSO

**NATCO Communications, Flippin, Arkansas — *Director of Operations***

June 2019 – April 2021

- Responsible for the construction, replacement, removal, and maintenance of approximately 1,507 miles of copper and 494 miles of fiber aerial and underground plant with over 4,172 Active Broadband Customers and 4,298 access lines covering over 763 square miles. Overseeing (6) central offices and (51) active remote wiring centers.
- Responsible for the design and installation of all major and minor fiber programs enabling a continued roll out of advance broadband services to our customer base, inclusive of Fiber to the Home (FTTH). Responsible for the design and installation of the copper cable plant, enabling supplying Asymmetrical Digital Subscriber Line (ADSL2+) and Vector Digital Subscriber Line (VDSL) to our customer base.
- Responsible for development of annual Operations capital budgets, on average \$3.6-\$5.2M, inclusive of new builds, maintenance programs, central office, switching, transport, access, IT, facilities, and fleet. Developing all construction and central office budgets for new build programs both general fund and government grants.
- Responsible for the successful award for NATCO ReConnect 2 grant as well as AR-CARES grants, inclusive of identifying, creating budget, engineering, and build program.
- Responsible for engineering, construction, project management, and budgeting for RUS Loan projects.
- Responsible for the company voice network, inclusive of Session Initiation Protocol (SIP), Voice over IP (VoIP), and Circuit switched. Responsible for the circuit switch

OCx/DSx circuits, leased circuits, special circuits, and System Signaling 7 (SS7) services.

- Responsible for the company Internet connectivity platforms and Direct Internet Access (DIA) circuits and services.
- Responsible for all company Central Office Equipment (COE), customer premises equipment, inclusive of Broadband WiFi services within their premises.
- Responsible for the project management and planning for all network infrastructure upgrade programs.
- Responsible for ensuring compliance with Rural Utility Service (RUS) codes and bulletins, safety specifications, and corrective/preventative maintenance programs for all Plant, COE, and facilities.
- Responsible for all Plant, Construction, Engineering, Central Office, Information Technology, Facilities, and Fleet personnel and budgets.
- Responsible for development and maintenance of records to allow references, analysis, and monitoring of plant components and equipment.
- Responsible for preparing the forecast and purchasing of network growth requirements, equipment, tools, fleet, and supplies

**Surflife Communications Limited (Ghana), Accra Ghana — *CEO***

October 2017 – October 2018 (Contract)

- Responsible for the first LTE network in Ghana
- Full P&L responsibility; oversaw team of 175, technical, accounting, sales, and human resources.
- Design and deployed over 272 eNodeB (Nokia (ALU)/Huawei); ALU EPC;
- Providing wireless broadband to a base of 1.6Million with approximately 5% penetration

**Unicorn Communications, Inc. Tulsa Oklahoma — *Consultant***

October 2016 – October 2017

- Consulted with Belize Telemedia Limited (BTL) on their nationwide (8,867 square miles) Broadband Fiber to the X (FTTX) deployment, nationwide transport fiber optical network with dense wave division multiplexing (DWDM) upgrade, and placement of submarine fiber optic cable to interconnect mainland and islands
- Conducted Telecommunications Project Management training with Triangle Communications in Harve Montana.
- Conducted numerous training courses on Broadband technologies (FTTx, Fixed Wireless, and LTE), Project Management, and Outside / Inside Plant Engineering in USA, Singapore, Nigeria, Ghana, Uganda, Pakistan, India, Maldives, Fiji, Malaysia, Egypt, Saudi Arabia, Bahrain, UAE, and South Africa.
- Consultant to ECFiber (Vermont) on their broadband fiber to the home deployment

**Ericsson, Plano Tx/San Jose CA/ Stockholm Sweden — *Director of Operations***

August 2014 – October 2016

- Responsible for setting up from scratch Ericsson Fiber and Outside Plant program support team

- Costing and capturing of several OSP Broadband programs worth more than USD1Billion
- Establishing, hiring, and execution of OSP Fiber program for Google Fiber in San Jose Metro area; P&L responsibility for total of 725Million program; All engineering, permitting, purchasing, and construction of over 4,000 miles of Broadband FTTH fiber network infrastructure (representing over 550K HHP)
- Development of new techniques, standing for a cost reduction for program execution, inclusive of LiDAR, GPR, and GIS

**Unicorn Communications, Clearwater Florida — *Consultant***

August 1997 – August 2014

- As principal owner, had full P&L responsibility for the company, turning it into a \$30M annual revenue company. Sold company to Ericsson (Sweden) in 8/14.
- Responsible for the bidding and capturing all major projects for the company.
- Development and execution of Business & Marketing plans for various USA and Global Telecommunications and Broadband companies, inclusive of Business Plans, Marketing Plans, Costing Models, and Operational Delivery Models
- Corrected jeopardy project for Windstream/KDL Arkansas fiber-to-the-tower for Verizon program
- Took over several jeopardies build programs and companies, correcting them and turning over for standard day-on-day operations with various companies.
- Ran many COE, OSP, and Wireless build programs for AT&T, LUS, WorldCom, Telfort, Nortel, Ericsson, Lucent, US Wired, MCI, BT, Cable & Wireless, Winstar, Teleglobe, ARINC, Swisscom, and federal government (DoS, DoD, DoE, DoJ, etc.)
- Acted as Contract COO for Winstar NDMO Asia Pacific, while designing and building fixed wireless network within Hong Kong, Tokyo, Singapore, and Bangkok
- Developed a Broadband Fixed Wireless feasibility study and later set up and operated as COO, the Broadband Fixed Wireless company in Port Harcourt, Nigeria
- Developed a TDA Feasibility study for placement of a broadband and transport fiber optic network in Afghanistan, inclusive of engineering, financials, and market analysis.

**Fibernet Telecom Group, New York, New York — *CTO***

June 1996 – July 1997 (Contract)

- Start-up company – engaged to design and build the network as well as establish the operations for the company.
- Designed, build, and operation of broadband fiber optic network within downtown Manhattan and various high rises for a Start Up Capacity Access Provider (CAP)
- Identification and selection of all technology and equipment within company (data, transmission, OSS/BSS, NOC, Corporate Finance, Engineering, Survey, etc.)
- Establishment and management of NOC, Field Services, Engineering, Operations, Customer Services and Corporate Services

**Signal Global Communications, Cambridge MA — *CTO***

May 1995 – June 1996

- Start-up company – engaged to design and build the network as well as establish the operations for the company.

- Using patented advanced algorithms over ATM for transmission of voice and data globally (USA – MA, NY, IL, CA); London; Amsterdam; Bangalore India; Hong Kong; Tokyo

**Pacer International, Del Ray Beach, Florida** — *Vice President – Engineering and Network Deployment*

March 1992 – April 1995

- Various broadband fiber optic programs within the USA and Europe

**Saudi Aramco, Dhahran Saudi Arabia** — *Program Director*

July 1989 – March 1992

- Design and deployment of broadband fiber optic systems within the Eastern Province, Riyadh, and Jizan of Saudi Arabia

## **REFERENCES:**

Available upon Request.

**ROBERT THOMPSON**

Oak Lawn, IL

60453 Phone:

(708) 267-1327

Email: [rthompson@virtubroadband.com](mailto:rthompson@virtubroadband.com)

**PROFESSIONAL BIOGRAPHY:**

Robert Thompson currently serves as President and Founder of Progressive Financial Planning Services, Inc., a private financial planning and asset management firm in the suburbs of Chicago, IL. His 40 years of experience in the financial sector include tenures with MB Financial as Vice President of Institutional Trust, Union Bank of California, Head of Institutional Trust for LaSalle Bank, N.A., Department Head of the Public and Taft-Hartley Funds Division at Northern Trust Company, and as a Trust Officer in the Bond Trustee Division at Continental Bank and Trust.

Mr. Thompson earned a BS in Accounting from the University of Illinois and an MBA in Finance from Keller Graduate School of Management.

Bob is a member of the Institute of Certified Bankers and holds the Certified Retirement Services Professional (CRSP) designation as well as the Certified Financial Planner (CFP) designation with the Certified Financial Planner Board of Standards. In addition, Bob is an Accredited Investment Fiduciary (AIF).

**POSITION:**

Robert Thompson serves as Director of Finance for Virtu Broadband, LLC

**JACOB BOTHA**

Port Elizabeth, South

Africa

Email: [jbotha@virtubroadband.com](mailto:jbotha@virtubroadband.com)

**PROFESSIONAL BIOGRAPHY:**

Jacob Botha is a high-spirited entrepreneur, inventor and product manufacturer. He's a strategic thinker and problem solver with over 24 years of global experience in the telecommunications industry.

Jacob is a co-owner in Keltech Network Innovations, a deployer of hybrid communications and low voltage DC networks, and Netul Projects, a manufacturer of telecommunications network equipment. Jacob is a patent holder for innovating products from both organizations, and has used his wealth of knowledge in network deployment and low voltage power systems to develop modern solutions for the increasing demand of broadband services in the United States.

Mr. Botha is currently pursuing a degree in Psychology at Open University UK

**POSITION:**

Jacob Botha serves as Director of Network Technology for Virtu Broadband, LLC

**Anthony Ortolani**

Gainesville, GA 30501

Phone: (404) 909-7587

Email: aortolani@virtubroadband.com

**PROFESSIONAL BIOGRAPHY:**

Anthony is presently Vice President of Business Development North & South America for WaveTech Group, a provider of backup battery power & active monitoring systems.

He has over 25 years experience in the telecommunications industry working in the infrastructure space as well on the operator side. With a background in cellular tower site ownership and operations, Mr. Ortolani has experience negotiating contract terms and agreements for network deployments. His knowledge of tower site management and generation of revenue streams from neutral host business models is a welcome addition to Virtu Broadband.

Mr. Ortolani has held C level positions in both and as an entrepreneur with several tower companies in the US and Asia, and has prior experience in Capital Fundraising through various ventures. Having personally created and sold several successful companies in the telecommunications space, Anthony Ortolani will guide the Virtu Broadband team towards strong valuations.

**POSITION:**

Anthony Ortolani serves as Director of Investor Relations for Virtu Broadband, LLC



**TAMARA OSTRANDER**

Flower Mound, TX 75028

Phone: (214) 244-9492

Email: tamaramail517@gmail.com

**PROFESSIONAL BIOGRAPHY:**

Tamara Ostrander serves as Director, Community and Education for Virtu Broadband, LLC.

Tamara Ostrander is an accomplished and award-winning educator. Tamara has spent 13 years in education in the Lewisville Independent School District in Lewisville, Texas. Ms. Ostrander has also worked in the telecommunications industry since 2020 with Sirius Technical Services as a Project Manager and GIS Designer.

A Native of Lewisville, Texas, Ms. Ostrander graduated from Lewisville High School. She earned her Bachelor of Music Education and Mathematics degree with Magna Cum Laude from Texas Tech University in Lubbock, Texas. While at TTU School of Music, Ostrander performed with the Symphonic Wind Ensemble, Jazz Band 1 and TTU's premier saxophone quartet. Her quartet performed in many saxophone conferences around the country and was a finalist in the prestigious Coleman Chamber Ensemble Competition in Pasadena, CA in 2008. She also received the Texas Music Educators Association's Student Teaching Scholarship in 2009. She completed her Masters Degree in Education from University of Texas at Arlington in 2019 in Educational Leadership and Policy, Summa Cum Laude.

As an educator, Tamara not only was a classroom teacher for 13 years, but worked as a Department Chair, New Teacher Mentor, and District Curriculum Writer for Mathematics. Tamara created and facilitated a myriad of community events for her campus and district. The "Block Party" that she started in 2015 became the blueprint for the district for community outreach for the beginning of the school year. It became the way to connect the school with their community in supplying translators for Chin/Burmese and Spanish speaking families, information for clubs and organizations, connection to free school services, set up for family and parent services including night school sign-ups for GED programs for parents, clothing and food services for underserved families, and free community dinner and pep rally. Ms. Ostrander helped create the College and Career Week on her campus that connected community members with students at her Title 1 campus. Tamara also served as the first site coordinator in her district for the St. Jude Math-a-thon raising thousands of dollars for St. Jude Children's Research Hospital in their first year.

In June 2018, Tamara was awarded the FC Dallas and CoServ Teacher of the Month for the Dallas-Fort Worth Area. Tamara was the Teacher of the Year on her home campus in 2018-2019 and a finalist for Lewisville ISD that same year. In 2019, Ms. Ostrander was awarded the Texas PTA Secondary Teacher of the Year for her work with her local community, school, and PTA.

**TAMARA OSTRANDER**  
2908 Trailwood Lane, Flower Mound, TX 75028  
Phone: (214) 244-9492  
Email: tamaramai1517@gmail.com

## **EDUCATION**

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<b>Masters in Educational Leadership and Policy</b> <i>University of Texas at Arlington (Arlington, TX)</i> GPA 4.00	Dec 2020
<b>Bachelor of Music Degree, Music Education</b> <i>Texas Tech University (Lubbock, TX)</i> <i>Magna Cum Laude- GPA 3.834/4.00</i> <ul style="list-style-type: none"><li>• Saxophone Concentration</li><li>• Minor in Mathematics</li><li>• Honors Endowed Scholarship</li><li>• Wind Studies Music Scholarship</li></ul>	May 2009

## **CERTIFICATIONS**

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PRINCIPAL AS AN INSTRUCTIONAL LEADER EC - 12  
MATHEMATICS 7-12  
ESL Supplemental EC -12  
MUSIC EC-12

## **TEACHING EXPERIENCE**

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<b>HUFFINES MIDDLE SCHOOL (Lewisville ISD)</b> <ul style="list-style-type: none"><li>• Math Teacher (7th PAP, 8th grade on-level, 8th grade Math Lab, Algebra 1 Pre-AP)</li><li>• Math Department Chair</li><li>• New to Campus Teacher Mentor</li><li>• National Junior Honor Society Co-Sponsor</li><li>• 8th grade Math Lewisville ISD Curriculum Writer</li><li>• Block Party Facilitator</li><li>• St. Jude Math-a-thon Site Facilitator</li></ul>	August 2014 - January 2022
<b>FORESTWOOD MIDDLE SCHOOL (Lewisville ISD)</b> Associate Band Director	August 2009 – June 2014

## **HONORS AND ACHIEVEMENTS**

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Texas PTA Secondary Teacher of the Year, 2019  
Lewisville ISD Secondary Teacher of the Year Finalist, 2018-2019  
Teacher of the Year, Huffines Middle School, 2018-2019  
FC Dallas and CoServ Teacher of the Month, June 2018  
Teacher of the Month, Huffines Middle School, May 2018  
Teacher of the Month, Huffines Middle School, January 2016  
Teacher of the Year Finalist, Huffines Middle School, 2016-2017  
Texas Music Educators Association, Student Teacher Scholarship, 2009

## **TELECOMMUNICATIONS EXPERIENCE**

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### **SIRIUS TECHNICAL SERVICES**

February 2020 - Present

Project Manager / GIS Designer

**EXHIBIT H**

**D.13-05-035 Certification**

## **EXHIBIT H**

### **D.13-05-035 Certification**

Virtu Broadband, LLC (“Virtu”) certifies that, to the best of its knowledge, neither Virtu nor any affiliate, officer, director, partner, agent, or owner (directly or indirectly) of more than 10% of Virtu, or anyone acting in a management capacity for Virtu has:

- a. held one of these positions with a company that has filed for bankruptcy,
- b. been personally found liable, or held one of these positions with a company that has been found liable, for fraud, dishonesty, failure to disclose, or misrepresentations to consumers or others,
- c. been convicted of a felony,
- d. been the subject of criminal referral by a judge or public agency,
- e. had a telecommunications license or operating authority denied, suspended, revoked, or limited in any jurisdiction,
- f. personally entered into a settlement, or held one of these positions with a company that has entered into settlement of criminal or civil claims involving violations of sections 17000 *et seq.*, 17200 *et seq.*, or 17500 *et seq.* of the California Business & Professional Code, or of any other statute, regulation, or decisional law relating to fraud, dishonesty, failure to disclose, or misrepresentations to consumers or others,
- g. been found to have violated any statute, law, or rule pertaining to public utilities or other regulated industries, or
- h. entered into any settlement agreements or made any voluntary payments or agreed to any other type of monetary forfeitures in resolution of any action by any regulatory body, agency, or attorney general.

Virtu also certifies that, to the best of its knowledge, neither Virtu, any affiliate, officer, director, partner, nor owner of more than 10% of Virtu, or any person acting in such capacity whether or not formally appointed, is being or has been investigated by the Federal Communications Commission or any law enforcement or regulatory agency for failure to comply with any law, rule or order.

### **D.13-05-035 Certification Addendum**

The Commission does not define the term “criminal referral” in D.13-05-035. Applicant understands “criminal referral” to mean a formal referral by a judge or public agency to charge an entity or person with the commission of a felony. Virtu certifies that none of its affiliates, officers, directors, partners, agents or owners – either directly or indirectly – or anyone acting in a management capacity for Virtu have ever been charged with a felony.

**EXHIBIT I**

**Sworn Declaration**

## **EXHIBIT I**

### **Sworn Declaration**

I, Chris Van Ekelenburg, hereby declare that I am the CEO of Virtu Broadband, LLC, and am authorized to make this verification for it and on its behalf. I have read the foregoing Application and verify that the information set forth therein is true and correct to the best of my knowledge, information, and belief.

I declare under penalty of perjury that the foregoing is true and correct.

Executed this 19<sup>th</sup> day of May, 2022 at Long Beach, California.



Chris Van Van Ekelenburg  
CEO  
Virtu Broadband, LLC